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The motion was carried and the Bill was taken into consideration.

Clauses 2 and 1 were put and carried.

The Preamble was put and carried.

* THE HON. SRI M. A. MANICKAVELU :—" I move—

'*That the Madras Land Revenue (Surcharge) Amendment Bill*, 1955 (*L.A. Bill No.* 24 *of* 1955), *as passed by the Assembly, be passed*.' "

MR CHAIRMAN :—" The question is—

'That the Madras Land Revenue (Surcharge) Amendment Bill, 1955 (L.A. Bill No. 24 of 1955), as passed by the Assembly, be passed '."

The motion was carried and the Bill was passed.

### (3) THE PUDUKKOTTAI (SETTLEMENT OF INAMS) BILL, 1955[a] (L.A. BILL NO. 25 OF 1955).

* THE HON. SRI M. A. MANICKAVELU :—" Sir, I move—

'*That the Pudukkottai (Settlement of Inams) Bill*,[a] 1955 (*L.A. Bill No.* 25 *of* 1955), *as passed by the Assembly, be taken into consideration*.'

Hon. Members are aware that Pudukkottai was merged with the Madras State in the year 1949. Till then, the settlement of inams and the work of administering the inams have been carried on by the rules made by the State itself. Our Standing Orders of the Board of Revenue do not apply to them. Now, the State having been merged with our State, the law that will be applicable to them will be our laws and the rules and the Standing Orders that we make. There is at present no legal sanction for our administering these inams under our Act. But, luckily, Sir, so far the legal aspect of it has not been questioned. The Government feel that it lacks legal sanction and therefore they want to regularize it. So, this Bill has been brought in to make the rules prevalent here applicable to the State of Pudukkottai which has been merged with Madras, and give legal sanction to them."

MR. CHAIRMAN :—" Motion moved—

'That the Pudukkottai (Settlement of Inams) Bill, 1955 (L.A. Bill No. 25 of 1955), as passed by the Assembly, be taken into consideration.' "

* SRI K. BALASUBRAMANIA AYYAR :—" Regarding the principle of the Bill, I have no objection, Sir. It is quite all right. But. there are one or two matters which require a little attention. There are personal inams, religious and charitable inams and there are also the artisan inams. So far as the personal inams other than those mentioned for religious and charitable purposes go, they shall

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[a] Printed as Appendix IV on pages 452-453 infra.

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be enfranchised or changed from the conditions on which they are held. The first point is, it is stated in clause (3) that these lands held on inam tenure shall be settled in accordance with the principles laid down in the rules and orders contained in the Standing Orders of the Board of Revenue and for the time being applicable to the settlement of inams in the rest of the Madras State. There are two or three Acts also of the Madras State which are applicable generally to inams. I do not know why these Acts have not been mentioned. The Enfranchised Inams Act of 1862, the Madras Enfranchised Inams Act of 1866 and the Inams Act of 1869—all these three Acts apply to these cases of enfranchised inams. Once, this is merged, I think those Acts will also apply. But, I do not find any mention of them. It is only stated 'the principles laid down in the rules and orders contained in the Standing Orders of the Board of Revenue and for the time being applicable to the settlement of inams in the rest of the Madras State'. That is one
3-30 p.m. thing. The second thing is so far as proviso (*b*) to clause (3) is concerned, it is said all religious, charitable and artisan inams shall be continued by Government only so far as the terms and conditions subject to which they are held are fulfilled. If the purposes for which they are intended are not being fulfilled, as has become difficult to fulfil the purposes for which the religious and charitable inams were instituted, on that account, the Government cannot resume and make the charitable and religious inams ordinary property. They cannot enforce it by law and make these charitable and religious inams their own. They must apply the doctrine of *cy pres*, in case the Government found that these charitable and religious inams have not been fulfilling the purposes for which they were intended. Without doing so, Government cannot resume those charitable or religious inams. They can apply the doctrine of *cy pres* and say because those charitable or religious inams have not fulfilled the purposes for which they were intended, they may be used for the fulfilment of purposes akin to the one for which they were first instituted. So far as artisan inams are concerned, the proviso (*b*) is quite all right. If the purposes for which those artisan inams were intended, have not been fulfilled, Government need not continue them. Artisan inams come under the category of service inams. But religious and charitable inams form a different category and they cannot be clubbed with artisan inams. That is why I say they cannot be included under proviso (*b*) to clause (3) of the Bill. These are the observations I want to make. Otherwise, I am in agreement with the principle underlying this Bill."

* SRI A. GAJAPATHY NAYAGAR :—"Inams are granted under the terms of the grant. So the terms of the grant govern the inams and if the Government find that the terms of the grant are not being properly fulfilled, those inams could be resumed. That is the law that governs these inams. I do not find any difference in the matter of the law of grant and the law of resumption so far as these inams are concerned. I find that no exception can be made if there is failure of the service for which the inam

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was granted. As far as the application of the doctrine of *cy pres* is concerned, it is left to the Government to apply it or not apply it. I do not think there is anything wrong in the proposal of Government to make the laws applicable to inams in Madras State to Pudukkottai inams also.''

* THE HON. SRI M. A. MANICKAVELU :—'' Under the Pudukkottai State Merger Act, it was said all Acts that were in force in Madras State should be made applicable to Pudukkottai. I take it that all Acts that were in operation at that time in Madras State were accordingly made applicable to Pudukkottai. This Bill only refers to certain rules that have been passed by the executive orders of the Durbar, which cannot have legal sanction. That is why by this Bill we are trying to give legal sanction.

'' With regard to religious and charitable inams, it has been specifically provided now that those inams would be continued, subject to the observation of the conditions stipulated in each case. Whatever is enforced in our State will also be enforced there. In the matter of these inams, the stipulation of the conditions are not very strictly enforced. That is my impression. I cannot say so exactly. As regards service inams, I know those inams are there even though no service has been done. They are being tolerated. They will all be abolished once the question of abolition of all inams is taken up.''

MR. CHAIRMAN :—'' The question is—

' That the Pudukkottai (Settlement of Inams) Bill, 1955 (L.A. Bill No. 25 of 1955), as passed by the Assembly, be taken into consideration.' ''

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 6 were put and carried.

Clause 1 was carried.

The Preamble was put and carried.

* THE HON. SRI M. A. MANICKAVELU :—'' Sir, I move—

' *That the Pudukkottai (Settlement of Inams) Bill, 1955 (L.A. Bill No. 25 of 1955), as passed by the Assembly, be passed.*' ''

MR. CHAIRMAN :—'' The question is—

' That the Pudukkottai (Settlement of Inams) Bill, 1955 (L.A. Bill No. 25 of 1955), as passed by the Assembly, be passed.' ''

The motion was carried and the Bill was passed.